

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte DAVID A. KISS

MAILED

JAN 30 2004

PAT & T.M OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application No. 10/017,031

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on December 30, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

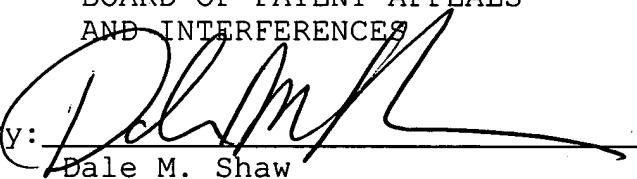
It is not clear from the record whether the examiner considered the Reply to Final Rejection (Paper No. 4½) filed by appellant on November 13, 2002. A communication notifying appellant of the response to the Reply to Final Rejection (Paper No. 4½) is required.

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Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) consideration of the Reply to Final Rejection filed November 13, 2002 (Paper No. 4½); 2) appropriate notification by the examiner to appellant of such consideration; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES  
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DMS/tdl/mh  
RA04-0208